

ESTTA Tracking number: **ESTTA257213**

Filing date: **12/23/2008**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	Tamames Las Vegas Properties, LLC
Granted to Date of previous extension	12/24/2008
Address	1500 Broadway New York, NY 10036 UNITED STATES
Correspondence information	Tamames Las Vegas Properties, LLC 1500 Broadway New York, NY 10036 UNITED STATES mgraham@kelleydrye.com, dnambiar@kelleydrye.com Phone:212 808 5127

Applicant Information

Application No	77111337	Publication date	08/26/2008
Opposition Filing Date	12/23/2008	Opposition Period Ends	12/24/2008
Applicant	Plaza IP Holdings LLC (USA) C/O The El Ad Group, Ltd. 575 Madison Avenue, 22nd Floor New York, NY 10022 UNITED STATES		

Goods/Services Affected by Opposition


Class 035. All goods and services in the class are opposed, namely: Online retail store services featuring clothing and souvenirs, rendered in connection with and relating to a luxury resort hotel property identified by Applicant's mark

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
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Marks Cited by Opposer as Basis for Opposition

U.S. Application No.	77199243	Application Date	06/06/2007
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	PLAZA HOTEL AND CASINO		

Design Mark	
Description of Mark	NONE
Goods/Services	Class 041. First use: First Use: 2004/03/24 First Use In Commerce: 2004/03/24 Casinos

U.S. Application No.	77199220	Application Date	06/06/2007
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	PLAZA HOTEL AND CASINO		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 043. First use: First Use: 2004/03/24 First Use In Commerce: 2004/03/24 Hotel, bar and restaurant services		

U.S. Application No.	77195195	Application Date	06/01/2007
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	PLAZA LAS VEGAS		

Design Mark	
Description of Mark	NONE
Goods/Services	Class 041. First use: First Use: 2004/03/24 First Use In Commerce: 2004/03/24 Casinos

U.S. Application No.	77195176	Application Date	06/01/2007
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	PLAZA LAS VEGAS		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 043. First use: First Use: 2004/03/24 First Use In Commerce: 2004/03/24 Hotel, bar and restaurant services provided in Las Vegas, Nevada		

U.S. Application/Registration No.	NONE	Application Date	NONE
Registration Date	NONE		
Word Mark	PLAZA covered by NV Reg. No. E0380452007		
Goods/Services	Casinos		

U.S. Application/Registration No.	NONE	Application Date	NONE
Registration Date	NONE		
Word Mark	PLAZA covered by NV Reg. No. E0392412007-3		
Goods/Services	Hotel, bar and restuarant services.		

U.S. Application/Registration No.	NONE	Application Date	NONE
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Registration Date	NONE
Word Mark	PLAZA LAS VEGAS covered by NV Reg. No. E0380922007-0
Goods/Services	Casinos

U.S. Application/ Registration No.	NONE	Application Date	NONE
Registration Date	NONE		
Word Mark	PLAZA LAS VEGAS covered by NV Reg. No. E0380842007-0		
Goods/Services	Hotel, bar and restaurant services.		

U.S. Application/ Registration No.	NONE	Application Date	NONE
Registration Date	NONE		
Word Mark	PLAZA HOTEL AND CASINO covered by NV Reg. No. E0392602007-6		
Goods/Services	Casinos		

U.S. Application/ Registration No.	NONE	Application Date	NONE
Registration Date	NONE		
Word Mark	PLAZA HOTEL AND CASINO covered by Reg. No. E0392652007-1		
Goods/Services	Hotel, bar and restaurant services.		

Attachments	77199243#TMSN.jpeg (1 page)(bytes) 77199220#TMSN.jpeg (1 page)(bytes) 77195195#TMSN.jpeg (1 page)(bytes) 77195176#TMSN.jpeg (1 page)(bytes) Opposition 1.pdf (5 pages)(413404 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/William R. Golden Jr./
Name	Tamares Las Vegas Properties, LLC
Date	12/23/2008

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

NOTICE OF OPPOSITION

TAMARES LAS VEGAS PROPERTIES, LLC,

Opposer,

v.

PLAZA IP HOLDINGS LLC (USA),

Applicant.

Opposition No.

TO THE COMMISSIONER OF PATENTS AND TRADEMARKS:

TAMARES LAS VEGAS PROPERTIES, LLC, a Delaware Limited Liability Company, with a place of business at 1500 Broadway, New York, NY 10036 (hereinafter “Opposer”) believes that it will be damaged by registration of the designation PP THE PLAZA & Design for “Online retail store services featuring clothing and souvenirs, rendered in connection with and relating to a luxury resort hotel property identified by Applicant’s mark” in International Class 35 shown in application Serial No. 77/111,337 filed by PLAZA IP HOLDINGS LLC (USA) (hereinafter “Applicant”) and hereby opposes the same.

As grounds therefor, it is alleged that:

1. Long prior to the February 20, 2007 filing date listed in the intent-to-use application herein opposed, Opposer and its predecessors-in-interest have adopted and used and have continued to use, the marks PLAZA, PLAZA LAS VEGAS, PLAZA PLAY CLUB, PLAZA HOTEL AND CASINO and PLAZA HOTEL & CASINO (collectively, “the PLAZA Marks”) in connection with the advertising, promotion and provision of gaming, hotel, casino,

bar, restaurant, entertainment and related services throughout the State of Nevada, and in particular, within the City of Las Vegas and in the surrounding metropolitan area.

2. Opposer has prior use of the PLAZA Marks for gaming, hotel, casino, bar, restaurant, entertainment and related services and since the adoption and first use of the PLAZA Marks as aforesaid, Opposer has continuously used the PLAZA Marks on and in connection with gaming, hotel, casino, bar, restaurant, entertainment and related services.

3. The PLAZA Marks are now and ever since their first use as aforesaid have been used in connection with gaming, hotel, casino, bar, restaurant, entertainment and related services which are now and for over 30 years have been advertised, promoted and provided in interstate commerce in the United States. The PLAZA Marks have come to be and are famous and favorably known, and of great value to Opposer, and in the mind of the trade and public, identifies Opposer's services and distinguishes them from the goods and services of others.

4. By the application herein opposed, Applicant seeks to register the designation PP THE PLAZA & Design for "Online retail store services featuring clothing and souvenirs, rendered in connection with and relating to a luxury resort hotel property identified by Applicant's mark" in International Class 35.

5. Opposer is the owner at common law of the PLAZA Marks, and is the owner of all right, title and interest, in and to the following Nevada state trademark registrations for the marks PLAZA, PLAZA LAS VEGAS and PLAZA HOTEL AND CASINO which have been duly registered with the Office of the Secretary of State of Nevada:

- NV Reg. No. E0380452007 for the mark PLAZA for "Casinos";
- NV Reg. No. E0392412007-3 for the mark PLAZA for "Hotel, bar and restaurant services";
- NV Reg. No. E0380922007-0 for the mark PLAZA LAS VEGAS for "Casinos";

- NV Reg. No. E0380842007-0 for the mark PLAZA LAS VEGAS for “Hotel, bar and restaurant services”;
- NV Reg. No. E0392602007-6 for the mark PLAZA HOTEL AND CASINO for “Casinos”; and
- NV Reg. No. E0392652007-1 for the mark PLAZA HOTEL AND CASINO for “Hotel, bar and restaurant services.”

6. In addition, Opposer is the owner of all right, title and interest in and to the following applications which have been filed in the United States Patent and Trademark Office:

- Application Serial No. 77/199,243 for the mark PLAZA HOTEL AND CASINO & Design for “Casinos” in International Class 41;
- Application Serial No. 77/199,220 for the mark PLAZA HOTEL AND CASINO & Design for “Hotel, bar and restaurant services” in International Class 41;
- Application Serial No. 77/195,195 for the mark PLAZA LAS VEGAS for “Casinos” in International Class 41, and
- Application Serial No. 77/195,176 for the mark PLAZA LAS VEGAS for “Hotel, bar and restaurant services” in International Class 41.

7. The designation PP THE PLAZA & Design in application Serial No. 77/111,337 so resembles Opposer’s previously used PLAZA Marks as to be likely, when used in connection with Applicant’s services, to cause confusion, to cause mistake and to deceive with consequent injury to Opposer and the public.

8. Opposer will be damaged by the registration sought by Applicant because such registration would support and assist Applicant in the confusing and misleading use of Applicant’s trademark and would give to Applicant color of exclusive statutory rights to such designation in violation and derogation of the prior and superior rights of Opposer.

WHEREFORE, Opposer believes that it would be damaged by registration of Applicant’s mark and prays that it be denied.

Please recognize as attorneys for Opposer William R. Golden, Jr., Michelle M. Graham, and Matthew D. Marcotte (members of the Bar of the State of New York) and the firm of Kelley Drye & Warren LLP, 101 Park Avenue, New York, New York 10178. Please address all communications to Michelle M. Graham, Esq. of said firm and address.

Dated: New York, New York
December 23, 2008

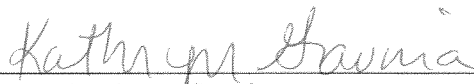
KELLEY DRYE & WARREN LLP
Attorneys for Opposer
TAMARES LAS VEGAS PROPERTIES, LLC

By: William R. Golden Jr.
William R. Golden, Jr.
Michelle M. Graham
Matthew D. Marcotte
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New York, New York 10178
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing NOTICE OF OPPOSITION has been served upon Applicant at the following address of record by first class mail, postage prepaid, this 23rd day of December 2008:

Alan N. Sutin, Esq.
Greenberg Traurig, LLP
200 Park Avenue, 34th Floor
New York NY 10166



Kathryn Gravina